

Amendment No. 2 to SB2858

**Southerland
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2858*

House Bill No. 3650

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-3-202, is amended by deleting the section in its entirety and substituting instead the following:

§ 55-3-202.

(a)

(1) Any motor vehicle dismantler and recycler, required to be licensed pursuant to § 55-17-109, or scrap metal processor as defined in § 55-3-211, who purchases motor vehicles for parts, dismantling and/or scrap, shall maintain for three (3) years a record, in the form the commissioner prescribes, of every vehicle bought or sold, dismantled, or exchanged or received by such dismantler and recycler or scrap metal processor, for sale, exchange, or dismantling.

(2) The purchasing dismantler and recycler or scrap metal processor shall also require the seller of the vehicle to provide proof of ownership by showing the vehicle title. A copy of the title presented shall be maintained for each vehicle purchased and shall become a part of the record maintained pursuant to subdivision (a)(1).

(b) Notwithstanding any provisions of this title to the contrary, any motor vehicle dismantler and recycler or scrap metal processor who purchases a motor vehicle solely for parts, dismantling and/or scrap that is ten (10) years or older may purchase such motor vehicle without seeing and obtaining a copy of the title to such vehicle if the following information is obtained by the buyer and maintained as a part of the record required by subdivision (a)(1) for three (3)

years: the name and address of the motor vehicle dismantler and recycler or scrap metal processor; the name, initials, or other identification of the individual entering the information; the date of the transaction; a description of the motor vehicle, including the make and model to the extent practicable; the vehicle identification number (VIN) of the vehicle; the license plate number of any vehicle transporting the motor vehicle being sold; the amount of consideration given for the vehicle; a written statement signed by the seller, or the seller's agent, certifying that the seller, or the seller's agent, has the lawful right to sell the motor vehicle; the name and address of the person from whom the vehicle is being purchased; a photocopy, or electronic scan of a valid driver's license of the seller or seller's agent of the motor vehicle, or in lieu thereof, any other identification card containing a photograph of the seller as issued by any state or federal agency of the United States. If the buyer has a copy of the seller's photo identification on file, the buyer may reference the photo identification on file without making a separate photocopy for each transaction. If the seller does not show the motor vehicle title or provide the information prescribed herein, the motor vehicle dismantler and recycler or scrap metal processor shall not complete the transaction.

(c) Any person who knowingly violates any of the provisions of this section, or any person who falsifies the statement required under subsection (b) of this section, commits a Class A misdemeanor. A court of competent jurisdiction may also order a defendant seller under this section to make restitution to the motor vehicle dismantler and recycler or scrap metal processor for any damage or loss caused by the defendant seller arising out of an offense committed by the defendant seller, including attorney's fees.

(d) Any motor vehicle used to transport a motor vehicle illegally sold under this section shall be subject to seizure and forfeiture by any law enforcement officer authorized to effectuate an arrest. Any such seizure

and forfeiture shall be conducted in accordance with the procedure set out in title 40, chapter 33, part 2.

(e) The records required to be maintained by this section shall be open to inspection by a representative of the commissioner's office, and/or a law enforcement officer during reasonable business hours.

(f) As used in this section, the term "motor vehicle" shall not include motor vehicles which have been flattened, crushed, baled or logged and sold for purposes of scrap metal only.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.